



Preliminary Ecological Appraisal

Skyline Pavilion, Butlins

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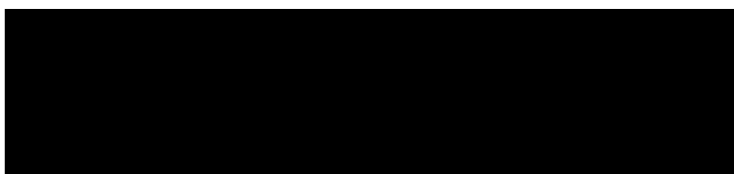
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Executive Summary

Bourne Leisure are planning to remove the existing Skyline Pavilion structure from the Butlins resort at Bognor and replace it with an outdoor activity space. Bourne Leisure commissioned Development Ecology Consulting Ltd to undertake a Preliminary Ecological Appraisal of the site with a view to producing an Ecological Impact Assessment that may be used to support the ensuing planning application.

Habitats within and around the site comprise buildings, sealed hard standing and areas of ornamental planting. The existing structure was checked for its bat roosting potential and any evidence of bat activity. Bat roosting potential is considered to be negligible due to a lack of suitable materials that make up the structure, lack of connected habitat that may be used for commuting or foraging nearby and a lack of evidence to suggest bat activity in the immediate vicinity of the structure. Pigeons were found to be nesting on parts of the structure.

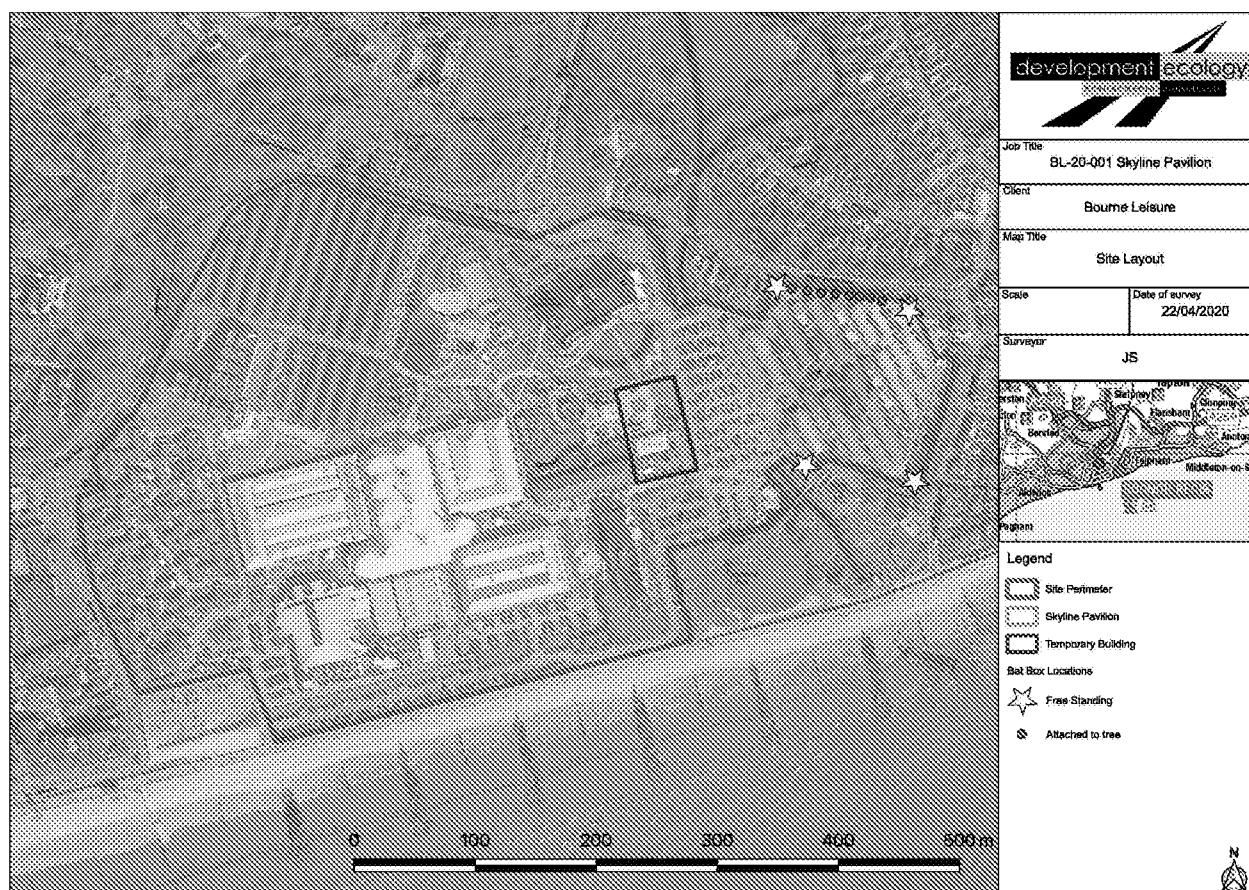
It has been recommended that a bat transect survey is conducted around the Skyline Pavilion. This will allow the collection of data that demonstrates how bats use the area around the Skyline Pavilion structure and will be used in the justification of the conclusions drawn regarding bat roosting potential. The data will also be used to inform any proposals regarding future lighting in the vicinity of the new design.

The survey found that the site is located close to a site of international significance for conservation and so a screening assessment may be required as part of the Habitat Regulations Assessment procedure.

1 Introduction

1.1 Background to the scheme

- 1.1.1 Butlins Resort, located in Bognor Regis, is owned and operated by Bourne Leisure. Bourne Leisure are preparing plans to renovate the Skyline Pavilion part of the park. The existing Skyline Pavilion is an enclosed space, consisting of a steel frame structure that supports single skin external cladding and a fabric roof, suspended by a series of eleven "king pins".
- 1.1.2 The plans will see the removal of the Skyline Pavilion structure, thus creating an open space for new activities. The king pins are to be retained as part of the new plans. A temporary building is also proposed towards the east of the park.



Map 1. Showing the location of the Skyline Pavilion, proposed temporary building and previous bat mitigation within the Butlins site

1.2 Scope of the work

1.2.1 Development Ecology Consulting Ltd was commissioned by Bourne Leisure to undertake ecological surveys of the site ahead of seeking planning permission for the designs.

1.2.2 Initially the survey consists of a Preliminary Ecological Appraisal of the site and the surrounding areas. The habitat classification is then used to determine the potential for habitats within and around site to support protected species. Where the potential for protected species is identified, recommendations will be made for further surveys in order to establish the baseline condition and status of each protected species. Baseline determination is required to enable the impact of the work on those species to be determined with confidence. Further surveys may not be required if the baseline conditions and impact assessment can be determined, with confidence, based on the findings of the PEA. Determination of the baseline conditions to allow for impact assessment is required to produce an Ecological Impact Assessment.

2 Relevant Legislation

2.1 Legislative framework

2.1.1 The following list provides the legislative framework for the protection of ecological features in England and Wales:

- Conservation of Habitats and Species Regulations 2017*
- Wildlife and Countryside Act 1981*
- Protection of Badgers Act 1992*
- Wild Mammals (Protection) Act 1996*
- Protection of Birds Act 1954
- Hedgerow Regulations 1997
- Countryside Rights of Way Act 2000

2.1.2 An overview is provided below for legislation above marked with an asterisk*.

2.2 Conservation of Habitats and Species Regulations 2017

Protected Species

2.2.1 Species protected by the Conservation of Habitats and Species Regulations 2017 are listed on Schedule 2 of the regulations and are known as European Protected Species. Under these regulations, a Schedule 2 animal is protected under Section 41 of the regulations in such a way that a person who-

- deliberately captures, injures or kills a European Protected Species,
- deliberately disturbs such an animal,
- deliberately takes or destroys the eggs of such an animal, or
- damages or destroys a breeding site or resting place of such an animal,

is guilty of an offence. In defining what constitutes disturbance in the above provision, the regulations state that a disturbance is something likely to-

- impair their ability-
 - to survive, breed or reproduce, or rear or nurture their young, or

- in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- affect significantly the local distribution or abundance of the species to which they belong.

Protected Sites

2.2.2 Part 2 of the regulations contain the details regarding European Sites. A Special Protection Area is a site protected under this legislation. Section 19 of the regulations states that the Nature Conservation Body shall serve a notification on European sites that restricts the operations that may take place in such a way as to prohibit any operations that are likely to damage the important features of the site. Section 20 sets out that the owner or occupier must not carry out or cause to permit any operation specified in the notification unless –

- the appropriate nature conservation body has been given written notice of the operation, specifying the nature where the proposal is to be carried out; and
- one of the following conditions is fulfilled.
 - That the operation is carried out with the written consent of the appropriate nature conservation body;
 - That the operation is carried out in accordance with the terms of a management agreement;
 - That four months have passed since the notice was given to the nature conservation body

2.2.3 Section 21 says that where it appears to the nature conservation body that an application for consent relates to an operation that –

- is likely to have a significant impact on a European site; and
- is not directly related to the management of that site,

that an appropriate assessment of the implications for that site is made in view of that site's conservation objectives. Consent for the operation may then only be granted once it has been ascertained that the project will not adversely affect the integrity of the site.

2.3 Wildlife and Countryside Act 1981

Protected Species

2.3.1 Section 1 of the Act details the protection afforded to wild birds. The provisions state that a person is guilty of an offence if that person intentionally –

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird.

2.3.2 Species protected under the Wildlife and Countryside Act 1981 are listed on Schedule 5 of the Act. Under this act, a Schedule 5 animal is protected by the provisions of Section 9 of the act in that it is an offence if a person intentionally kills, injures or takes any Schedule 5 animal, or if a person intentionally or recklessly-

- damages or destroys any structure or place which a Schedule 5 animal uses for shelter or protection,
- disturbs any such an animal while it is occupying a structure or place used for shelter or protection; or
- obstructs access to any structure or place used for shelter or protection.

Invasive Species

2.3.3 Part 2 of Schedule 9 lists plants that are invasive and non-native and to which section 14 of the Act applies. Section 14 states that if a person plants or otherwise causes to grow in the wild any plant listed on Schedule 9, that person shall be guilty of an offence. However, it shall be a defence to prove that all

reasonable steps were taken and all due diligence was exercised to avoid committing the offence.

Protected Sites

2.3.4 Section 28 of the Act relates to the management of operations within or affecting a Site of Special Scientific Interest. The Statutory Authority shall serve notice on any land constituting a SSSI that specifies operations that must not be carried out within a SSSI or that may have an adverse impact on a SSSI. The owner or occupier must not cause or permit to be carried out any operation specified in the notification unless –

- notice of a proposal to carry out the operation has been given to the Statutory Authority specifying the nature and location of the proposal; and
- one of the following conditions is fulfilled.
 - That the operation is carried out with the written consent of the Statutory Authority,
 - That the operation is carried out in accordance with the terms of an agreement,
 - That the operation is carried out in accordance with a management scheme or management notice.

2.3.5 A consent may be given subject to conditions and for a limited period of time. If the Statutory Authority do not consent, they shall give notice saying so to the person who applied for the consent.

2.4 Protection of Badgers Act 1992

2.4.1 Under Section 3 of the Act, it is an offence to interfere with a badger sett if this was done intentionally or recklessly. Elements constituting interference are –

- damaging a badger sett or any part of it,
- destroying a badger sett
- obstructing access to, or any entrance of, a badger sett, and

-
- disturbing a badger when it is occupying a sett.

2.5 Wild Mammals (Protection) Act 1996

2.5.1 Section 1 of the Act stipulates that it is an offence to intentionally inflict unnecessary suffering on any wild animal. This includes the crushing or asphyxiating of wild mammals. An exception is provided if the killing is undertaken in a swift and humane manner and had been taken in the course of lawful pest control activity. Under this legislation, it is not acceptable to excavate ground containing rabbits or foxes without first taking measures to address the presence of these animals.

3 Methodology

3.1 Desktop study

3.1.1 The desktop study collates publicly available information relating to protected sites, habitats and species in the areas within and surrounding the site. The following resources were used to inform the desktop study:

- Environment Agency (2017) *England Non-Native Species records 1965 to 2017*
- Environment Agency (2019) *Environment Agency Rare and Protected Species Records*
- Forestry Commission (2015) *National Forest Inventory England 2014*
- Natural England (2018) *Great crested newt presence records determined from Class Licence return documents*
- Natural England (2020) *Great Crested Newt eDNA Pond Surveys*
- Natural England (2019) *Priority Habitat Inventory (England)*
- Natural England (2019) *Sites of Species Scientific Interest (England)*
- Natural England (2019) *Local Nature Reserves (England)*
- Natural England (2019) *National Nature Reserves (England)*
- Natural England (2019) *Ramsar (England)*
- Natural England (2019) *Special Areas of Conservation (England)*
- Natural England (2019) *Priority Habitat Inventory (England)*
- Natural England (2019) *Special Protection Areas (England)*

3.1.2 A Splash Pool development has previously been completed at the site. The development saw the demolition of staff accommodation and the construction of the new splash pool complex. Surveys were carried out concerning this development, resulting in the identification of bat roosts within the development area. Licences were required from Natural England to permit the destruction of those roost sites. The surveys used to inform the design and mitigation of the Splash Pool project have been used to inform this report.

3.2 Site visit

- 3.2.1 The site visit was carried out by James Smith. James holds a degree in Environmental Science and is a full member of the Chartered Institute of Ecology and Environmental Management. James holds the position of Technical Director at Development Ecology Consulting Ltd and has been practising ecological consultancy since 2004 and so he meets the requirements of a Suitably Qualified Ecologist (SQE defined by BRE as holding relevant degree, at least three years in the past five practising full time ecological consultancy and full member of professional body). In addition, James hold Natural England survey licences for Great Crested Newts, Natterjack Toads, Sand Lizards and Smooth Snakes.
- 3.2.2 An extended Phase 1 Habitat Survey is carried out during the site visit. This consists of an assessment of the habitats in and around within the zone of influence. The habitats are assessed and categorised according to their type as described by JNCC (2010). Ecological features and characteristics associated with each habitat are noted and this is brought together to associate areas and features with the potential for them to support protected species.
- 3.2.3 A Preliminary Roost Assessment was carried out on the structures identified in Map 1. Areas where roosting potential was identified were checked thoroughly, where access was available, through the use of a Mobile Elevated Working Platform. The MEWP was used to assess potential roosting areas for their suitability to provide bat roosting habitat and for evidence of bat activity. The MEWP was able to access both inside and outside of the Skyline Pavilion structure.

3.3 Constraints

- 3.3.1 The site survey was undertaken during April 2020. The site was accessed during day shifts.
- 3.3.2 The survey was carried out at an optimal time of year for flowering plants. The time of year that the survey was undertaken is not a constraint.
- 3.3.3 The weather during the survey was sunny and still and so not a constraint to the survey.
- 3.3.4 Access to the external parts of the Skyline Pavilion structure was limited to areas where entrances are located. Areas of the structure immediately adjacent to other buildings were not visible externally. This meant that the entire perimeter of the Skyline Pavilion could not be viewed and so this is a material constraint to the survey effort.

4 Baseline conditions

4.1 Protected sites

- 4.1.1 The Solent and Dorset Coast SPA is located 30m to the south of the site boundary and 130m south of the Skyline Pavilion Structure.

4.2 Habitats

- 4.2.1 The Skyline Pavilion structure is located within the central part of the Butlins complex. Its location within the park means that it does not interact at all with boundary features that surround the park. Throughout the park, stand of ornamental planting can be found. These are hardy plants that provide aesthetic value and are of limited biodiversity value.
- 4.2.2 The Skyline Pavilion structure is located within an area of sealed hard standing and buildings. The structure is comprised of a steel frame that is clad with a single skin sheet, therefore no cavities are formed within the walls. The structure is topped by a fabric roof held aloft by a series of eleven king pins. Structures surrounding the Skyline Pavilion are constructed similarly, however, the roofs of nearby structures comprise single skin sheet metal.
- 4.2.3 Towards the east of the Skyline Pavilion is an area earmarked to receive a temporary building. That area consists of sealed hard standing that currently hosts the Dodgems, Waltzer, Rockin' Tug, Tea Cups and two other small outdoor attractions. The temporary building area sits near to a single skin steel frame building with an asbestos roof.

4.3 Bats

Roosting habitat

- 4.3.1 All areas of the structure that were accessible were surveyed using the MEWP to look for evidence of bat activity. Areas leading to voids were given special attention.

4.3.2 Very few voids were seen on the external sides of the building. Expanding foam has been used in many places to seal entrances or the integrity of the structure is such that voids do not exist. Where voids were found, these were found to contain cobwebs. Ledges and other protrusions had built up a collection of debris and this was found to contain bird guano and other organic material, however, no evidence of bat droppings, or suspected bat droppings was found. The vicinity around voids was clean and showed no oily residues or deposits that might indicate bat activity.

4.3.3 The building close to the planned temporary building was surveyed as closely as possible, however, the presence of asbestos constrained the survey effort. Although, no gaps or other openings were seen and no oily residues or deposits were observed.

4.4 Great Crested Newts

4.4.1 Data available from Ordnance Survey was used to determine the number of ponds within 500m of the site. Water bodies with a flow were discounted from the count due to the unsuitability of these features to support GCN.

4.4.2 Two ponds are recorded within 250m of the site and a further two ponds between 250m and 500m of the site.

4.4.3 As described in 4.2, the site is made up of buildings, sealed hard standing and unconnected areas of ornamental planting. No areas of suitable terrestrial habitat exist within or close to the area of works.

4.5 Nesting birds

4.5.1 Pigeons were seen to be nesting in areas of the Skyline Pavilion structure. Nesting was occurring on areas of exposed ledge around the union between the roof and the walls. Nesting was taking place even where pigeon spikes had been installed.

4.6 Dormouse

- 4.6.1 The habitats present throughout the site and surrounding area are not suitable for this species. Dormice rely on a connected network of continuous scrub, hazel and woodland. These features are lacking from the site areas.

4.7 Otters and Water Voles

- 4.7.1 Water Voles dig their burrows within the banks of riparian systems and as such are very unlikely to be present within the site.
- 4.7.2 Otters navigate and forage within riparian systems and create places of shelter and refuge within suitable areas along such systems. With no riparian systems present nearby, these species are considered absent from the site.

4.8 Badgers

- 4.8.1 No evidence of badger activity was seen during the survey.

4.9 Invasive species

- 4.9.1 No evidence of invasive species was recorded during the survey

4.10 Reptiles and amphibians

- 4.10.1 The habitats found throughout the site are not suitable for these species.

5 Ecological constraints and impact assessment

5.1 Protected sites

5.1.1 The works are located 130m from the Solent and Dorset Coast SPA. The proximity of the protected site to the worksite is such that impacts on the protected site arising from the planned works may need to be screened.

5.1.2 The presence of protected sites, therefore, is **a constraint** to the project unless either a screening assessment is carried out or the Local Planning Authority declares that a screening assessment is not required.

5.2 Habitats

5.2.1 No rare, priority or notable habitats are found within the site or within the zone of influence associated with the works. Impacts on habitats are therefore not anticipated and **not a constraint** on the project

5.3 Bats

5.3.1 Bats are known to roost within the Butlins site. Surveys carried out during the Splash Pool development identified Common Pipistrelle bat roosts associated with some of the staff accommodation building located at the north of the site. A licence was granted by Natural England to permit the destruction of the roosts with bat boxes placed around the perimeter of that part of the site as compensation. The licence allowed for ten Common and Soprano Pipistrelles to be relocated from the staff accommodation buildings to the compensation bat boxes.

5.3.2 The Skyline Pavilion structure was checked as thoroughly as possible during the survey for evidence of bat activity. No evidence of bat activity could be found.

- 5.3.3 The structure offers negligible to low bat roosting potential. Whilst some gaps were found that could be exploited by roosting bats, the balance lies with the unsuitability of the materials of the construction, the unsuitability of the surrounding landscape and the lack of any evidence of bat presence.
- 5.3.4 The steel frame and skin are not suitable for roosting bats, however, some gaps are formed from overlapping cladding or small gaps in the cladding around the steel frame. Although, the materials used in the construction exhibit low thermal stability and so the temperatures of the enclosures will vary considerably depending on the weather.
- 5.3.5 The building is situated in a hard environment, with very few features that might be exploited by commuting or foraging bats. The lack of commuting features (linear, vegetation, etc) and lack of foraging opportunities in the immediate surrounding area would suggest a low likelihood of bats interacting with the site.
- 5.3.6 The noted lack of suitability in terms of building construction and landscape appear to be borne out by the lack of evidence to suggest bat presence. All gaps that were identified were checked and found to contain cobwebs, indicating that those features are not in use by bats. No oily residues or deposits were found around any potential roost feature, indicating that those features are not in use also. Furthermore, the lack of bat droppings also suggests that bats are not interacting with the structure.
- 5.3.7 Based on these findings, the building is considered not to host roosting bats and so roosting bats are **not a constraint** on this scheme.

5.4 Great Crested Newts

- 5.4.1 The lack of suitable habitat within the surrounding area and the lack of connectivity between the site and surrounding habitats means that the Great Crested Newts are highly unlikely to be present within the project area.

5.4.2 The presence of Great Crested Newts is therefore **not a constraint** to the project.

5.5 Nestling birds

5.5.1 Pigeons were found to be nesting on ledges around the Skyline Pavilion structure. Pigeon nests are protected by legislation and their presence **is a constraint** on the project.

5.6 Dormouse

5.6.1 Habitats in and around the sites are unsuitable for this species and so the presence of dormice is **not a constraint** on the project.

5.7 Otters and Water Voles

5.7.1 Water Voles are highly likely to be confined to water channels and so are **not a constraint** to the project.

5.8 Badgers

5.8.1 No badger setts or evidence of badger presence has been identified during the survey. Badgers are therefore considered to be **not a constraint**.

5.9 Invasive species

5.9.1 No invasive species were recorded during the survey and so are **not a constraint** on the project.

5.10 Reptiles and amphibians

5.10.1 The hard habitats in and around the site are not suitable for these species.

5.10.2 The presence of reptiles and amphibians therefore **is a constraint** to the scheme.

6 Recommendations

6.1 Protected sites

- 6.1.1 It is recommended that notice is given to the Local Planning Authority about the proposed works at the site and the proximity of the works to the Solent and Dorset Coast SPA to ascertain whether or not a Habitat Regulations Screening Assessment is required.

6.2 Habitats

- 6.2.1 No further recommendations are made.

6.3 Bats

Roosting Bats

- 6.3.1 No further recommendations are made.

Commuting and foraging bats

- 6.3.2 It is recommended that bat transect surveys are carried out around the area of the Skyline Pavilion. This will demonstrate how bats interact with this part of the site and can be used to justify the conclusions reached in 5.3.

6.4 Great Crested Newts

- 6.4.1 No further recommendations are made.

6.5 Nesting birds

- 6.5.1 Steps must be taken to ensure that no pigeons are nesting on the structure at the time that the work commences. Active nests should be identified and monitored so that they may be removed once the nest become disused. Areas currently hosting nesting pigeons should then have further anti-nesting measures installed to prevent re-nesting on the same sites.

6.6 Dormouse

- 6.6.1 No further recommendations are made.

6.7 Otters and Water Voles

6.7.1 No further recommendations are made.

6.8 Badgers

6.8.1 No recommendations are made.

6.9 Invasive species

6.9.1 No further recommendations are made.

6.10 Reptiles and amphibians

6.10.1 No further recommendations are made.

7 References

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